

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2919
of Allo Communications, L.L.C.)
of Imperial, Nebraska seeking) ORDER GRANTING DESIGNATION
designation as an eligible) AS AN ELIGIBLE
telecommunications carrier that) TELECOMMUNICATIONS CARRIER
may receive universal service)
support.) Entered: August 26, 2003

APPEARANCES:

For the Applicant:
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Box 699
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For the Commission:
Shana Knutson
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BY THE COMMISSION:

By application filed April 14, 2003, Allo Communications L.L.C. (Allo or Applicant) of Imperial, Nebraska, seeks designation as an eligible telecommunications carrier (ETC) so that it may receive federal universal service support. Notice of this application was published in The Daily Record, Omaha, Nebraska, on April 16, 2003. No formal protest or petition of intervention was filed. A hearing on the application was held on August 12, 2003, in the Commission Hearing Room, Lincoln, Nebraska. Appearances at the hearing are indicated above.

O P I N I O N A N D F I N D I N G S

Allo was granted a certificate of public convenience and necessity to provide local exchange and interexchange telecommunications services in Application No. C-2844 on January 7, 2003. According to its application, Allo seeks ETC status for the areas in which it has been certificated as a local exchange carrier in Application No. C-2844. Accordingly, Allo seeks federal ETC designation in areas served by Qwest Corporation and ALLTEL Communications.

Allo proposes to offer voice-grade access to the public switched network, local usage for both data and voice, dual tone multi-frequency signaling, single party service, access to

emergency service, access to operator service, access to interexchange service, access to directory assistance and toll limitations for qualifying low-income consumers.

Allo stated that it will advertise the availability of its services using media of general distribution. In addition, Allo indicated that its designation as an ETC would be consistent with the public interest, convenience and necessity.

Section 214(e) of the Telecommunications Act of 1996 (the Act) sets forth the standards and processes for a state commission to grant carriers the designation of eligible telecommunications carrier. The three general requirements listed in Section 214(e) are that: (1) the carrier must be a common carrier; (2) the carrier must offer the "services" that are supported by the federal fund; and (3) the carrier must advertise the availability of those services. In addition, the carrier must fulfill these criteria throughout the service area for which the designation is received.

The "services" supported by the federal fund as provided by 47 C.F.R. § 54.101(a) are as follows:

- a. Voice-grade access to the public switched telephone network;
- b. Local usage;
- c. Dual tone multi-frequency signaling or its functional equivalent;
- d. Single-party service or its functional equivalent;
- e. Access to emergency services;
- f. Access to operator services;
- g. Access to interexchange service;
- h. Access to directory assistance;
- i. Toll limitation for qualifying low-income consumers.

Allo provided evidence that it will fulfill the requirements of 47 C.F.R. § 54.101(a) and confirmed that it will provide all of the above-referenced services.

Applicant also confirmed that it will be advertising the availability of the supported services. Allo promises the Commission that, in the event ETC status is granted, it will advertise its universal service offerings and the charges therefore using media of general distribution pursuant to federal and Commission requirements. Because Allo has not commenced its service offering, and therefore had not yet begun to advertise its product, the Commission has only Allo's promise that the advertising requirement of the Act will be met. Allo brought no materials or information demonstrating how it will

advertise, what the advertisements will consist of and where the advertisements will be placed, the Commission will require Allo to supplement the record, on a yearly basis, with copies of its advertisements. Allo should provide the Commission with copies of its initial advertisements once it has begun to advertise.

Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable federal law for the designation of eligible telecommunications carriers in the proposed geographic area.

However, this granting of ETC designation does not trigger qualification for Nebraska Universal Service Fund (NUSF) support. Prior to receiving NUSF support, applicant must have applied for a designation as a Nebraska eligible telecommunications carrier (NETC).

Finally, the Commission has jurisdiction and authority to ensure that Allo continues to meet the ETC criteria set forth in Section 214(e) of the Act. Nothing prevents the Commission from, on its own motion, modifying, suspending or revoking Allo's ETC designation if it at any time fails to meet the obligations of the Act, applicable federal rules, or if it fails to provide the supported services within a reasonable time frame.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Allo Communications, L.L.C., to be designated as an Eligible Telecommunications Carrier shall be, and it is hereby, granted.

IT IS FURTHER ORDERED that Allo Communications L.L.C. shall file materials evidencing that it is advertising through media of general distribution upon the commencement of offering any telecommunications service.

IT IS FURTHER ORDERED that Allo Communications L.L.C. shall file materials with the Commission evidencing it is advertising through media of general distribution on or before July 1st each year hereafter.

IT IS FURTHER ORDERED that Allo Communications, L.L.C. is hereby declared to be an Eligible Telecommunications Carrier for the purpose of receiving federal universal service support in the areas served by Qwest Corporation and Alltel Communications.

IT IS FURTHER ORDERED that Allo will need to receive a Nebraska Eligible Telecommunications Carrier designation in order to be eligible for state universal service support.

MADE AND ENTERED at Lincoln, Nebraska this 26th day of August, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director